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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LAW OFFICES OF OLIVER ZHOU,

Plaintiff,

v.

CITI BANK, N.A. and  
PNC BANK, N.A.,

Defendants.  
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:  
: Case No. 15-cv-5266 (ER)  
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:

: **DEFENDANT PNC BANK, N.A.'S**  
: **NOTICE OF MOTION TO**  
: **DISMISS PURSUANT TO**  
: **FED. R. CIV. P. 12(B)(6)**  
:  
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**PLEASE TAKE NOTICE** that, upon the accompanying memorandum of law and upon all the pleadings and proceedings had herein, Defendant PNC Bank, N.A. ("PNC"), in lieu of filing an Answer to Plaintiff's Complaint, will move the Court before the Honorable Edgardo Ramos at the United States District Courthouse for the Southern District of New York, located at 40 Foley Square, Courtroom 619, New York, New York, 10007, at a date and time to be determined by the Court, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing with prejudice the claims against PNC on the grounds that the Complaint fails to state a claim upon which relief can be granted, and for such other, further, or different relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Court's Order of August 28, 2015, Plaintiff's opposition papers, if any, are to be filed by October 2, 2015, and PNC's reply papers, if any, are to be filed by October 13, 2015.

Dated: New York, New York  
September 18, 2015

Respectfully submitted,

By:

  
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